

Serial No.: 10/726,013
Docket No. 03043-1
FUS.064

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OCT 15 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Koji UTSUGI, et al.

Serial No.: 10/726,013

Group Art Unit: 1745

Filing Date: December 3, 2003

Examiner: Laura Weiner

For: ELECTROLYTE FOR SECONDARY BATTERY AND SECONDARY
BATTERY USING SAME

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

DECLARATION OF INVENTOR KOJI UTSUGI

UNDER 37 C. F. R. 1.131

Sir:

Comes now inventor Koji Utsugi (hereinafter, the "Declarant") and states and avers the following:

1. That he is an inventor of the ELECTROLYTE FOR A SECONDARY BATTERY, the SECONDARY BATTERY, and the METHOD OF FORMING AN ELECTROLYTE FOR A SECONDARY BATTERY, as disclosed and claimed in the present Application;

2. That he and his co-inventor of the invention in the present Application, Mitsuhiro Mori, reduced to practice the invention as disclosed and claimed in the present Application, in Japan, prior to August 26, 2003. Attached hereto as Exhibit 1 and incorporated by reference herein is a verified English Translation of Japanese Patent Application No. 2002-170228

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(hereinafter, "JP '228") which was filed on June 11, 2002, which is a corresponding Application with the present Application, and describes in detail the invention of the present Application.

In particular, JP '228 describes an electrolyte for a secondary battery which includes an aprotic solvent including an electrolyte salt, an imide anion and a transition metal ion, which are in the aprotic solvent and can form a metal complex on an anode at least through a charge-discharge process, and a compound including a sulfonyl group in the aprotic solvent, as recited, for example, **claim 1**.

JP '228 also describes an electrolyte for a secondary battery which includes an aprotic solvent including a lithium salt as an electrolyte salt, and a metal complex including an imide anion and a transition metal ion, and a compound having a sulfonyl group formed in the aprotic solvent, as recited, for example, in **claim 2**.

JP '228 also describes a method of forming an electrolyte for a secondary battery including providing an imide anion and a transition metal ion in an aprotic solvent including an electrolyte salt, and after said providing said imide anion and said transition metal ion in said aprotic solvent, dissolving a compound comprising a sulfonyl group in said aprotic solvent, as recited, for example, in **claim 22**;

3. That prior to August 26, 2003, Declarant and his co-inventor constructed an embodiment or performed a process that met every element of the claimed invention, and that embodiment or process operated for its intended purpose, and was sufficiently tested to demonstrate that it will work for its intended purpose, and that the Declarant and his co-inventor recognized and appreciated the invention prior to August 26, 2003;

4. That the inventors activities as described hereinabove clearly evidence that the inventors herein had possession of the claimed invention prior to August 26, 2003, and reduced the claimed invention to practice prior to August 26, 2003;

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5. That, alternatively, Declarant states that he and his co-inventor of the invention in the present Application, Mitsuhiro Mori, **conceived of the invention as disclosed and claimed in the present Application prior to August 26, 2003**, and acted with due diligence from a date prior to August 26, 2003 until December 3, 2003, the date of filing of the present Application;

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application for any patent issued thereon.

Further Declarant sayeth naught.

Date

Koji Utsugi, Declarant